



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named Inventor : Gary M. Klinefelter	Appeal No. ---
Appln. No.: 10/757,823	
Filed : January 15, 2004	Group Art Unit: 2854
For : PRINTER WITH REVERSE IMAGE SHEET	Examiner: Dave A. Ghatt
Docket No.: F12.12-0092	

**TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION - 37 C.F.R. §41.37)**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING
SENT BY U.S. MAIL, FIRST CLASS, TO THE
COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VA 22313-1450, THIS

7th DAY OF MARCH, 2005.

PATENT ATTORNEY

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 10, 2005.

FEE STATUS

Small entity status.

FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. §41.20(b)(2) the fee for filing the Appeal Brief is \$250.00.

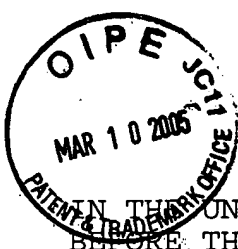
The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123. A duplicate copy of this communication is enclosed.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By:

Brian D. Kaul, Reg. No. 41,885
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

BDK/djb



AF IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named Inventor :	Gary M. Klinefelter	Appeal No.
Appln. No.:	10/757,823	
Filed :	January 15, 2004	Group Art Unit: 2854
For :	PRINTER WITH REVERSE IMAGE SHEET	Examiner: Dave A. Ghatt
Docket No.:	F12.12-0092	

BRIEF FOR APPELLANT

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL, FIRST CLASS, TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS

7th DAY OF MARCH, 2005.


PATENT ATTORNEY

This is an appeal from the Office Action mailed September, 7 2004 (hereinafter "Office Action"), in which claims 1-5 and 7-16 were finally rejected.

REAL PARTY IN INTEREST

Fargo Electronics, Inc., a corporation organized under the laws of the state of Delaware, and having offices at 6533 Flying Cloud Drive, Eden Prairie, Minnesota 55344, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment filed with the patent application and recorded on Reel 011618, frame 0712.

RELATED APPEALS AND INTERFERENCES

There are no known related appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

- I. Total number of claims in the application.
Claims in the application are: 15
- II. Status of all the claims.
- A. Claims cancelled: none
 - B. Claims withdrawn but not cancelled: none
 - C. Claims pending: 1-5,
7-16
 - D. Claims allowed: none
 - E. Claims rejected: 1-5,
7-16
 - F. Claims Objected to: none
- III. Claims on appeal
The claims on appeal are: 1-5,
7-16

STATUS OF AMENDMENTS

An Amendment After Final was mailed November 5, 2004. In the Advisory Action mailed December 21, 2004, the Examiner indicated that, for purposes of Appeal, the proposed Amendment would not be entered since the proposed changes were not grammatically correct. Applicant agrees with the Examiner. Thus, no amendments to the application are to be entered at this time.

SUMMARY OF THE INVENTION

One aspect of the present invention is directed to a card printer. As described in independent claim 1, one embodiment of the card printer 10 includes a source of at least one intermediate transfer sheet 14, a source of at least one card 32, a printhead 18, a sheet transport such as rollers 19, a laminator

41, and a separator 58 [FIG. 1]. The intermediate transfer sheet includes a backing film 56 carrying an image receiving transfer layer 50 having a print receptive surface 54 [FIGS. 4-5; page 8, lines 1-8]. The printhead is configured to print onto the print receptive surface of the intermediate transfer sheet [FIG. 6; page 5, line 25 - page 6, line 2]. The sheet transport is configured to move intermediate transfer sheet past the printhead [FIGS. 1 and 6; page 6, lines 3-23]. The laminator is configured to receive the intermediate transfer sheet after printing and adhere the image receiving transfer layer to the card [FIGS. 2 and 4; page 7, line 17 - page 8, line 22]. The separator is configured to remove the backing film from the image receiving transfer layer after lamination [FIGS. 1-2; page 8, line 23 - page 9, line 8].

As described in independent claim 7, another embodiment of the card printer includes a supply of individual intermediate transfer sheets 14, a printhead 18, a sheet transport such as rollers 19, and a laminator 41. The transfer sheets 14 correspond to a desired size relating to a size of the card to which they are to be applied and each includes an image receiving layer 50 that is print receptive [FIGS. 3-5; page 8, lines 1-8]. The printhead is positioned to print onto the image receiving layer of one of the intermediate transfer sheets that is presented to the printhead [FIG. 6; page 5, line 25 - page 6, line 2]. The sheet transport moves the intermediate transfer sheet past the printhead [FIGS. 1 and 6; page 6, lines 3-23]. The laminator includes a heated roll 40 for receiving the sheet after printing, and for receiving a card 32 in contact with the image receiving layer, after printing [FIG. 1]. The laminator is configured to laminate the image receiving layer to a surface of the card [FIGS. 2 and 4; page 7, line 17 - page 8, line 22]. The card printer also includes a device, such as the separator 58, for peeling a backing film 56 from the print receptive layer

subsequent to lamination [FIGS. 1-2; page 8, line 23 - page 9, line 8].

As described in independent claim 8, another embodiment of the card printer includes a printhead 18, a supply of individual intermediate transfer sheets 14, a sheet drive, a supply of cards 32, a laminator 41 and a separator 58. Each intermediate transfer sheet includes a backing film and a separable print receptive layer carried by the backing film [FIGS. 3-5; page 8, lines 1-8]. The sheet drive operates to move an individual intermediate transfer sheet from the supply to the printhead for printing on the separable layer of the intermediate transfer sheet [FIGS. 1 and 6; page 6, lines 3-23]. The printer also includes a drive, such as rollers 36 and 28, for the cards and the individual intermediate transfer sheets, which operates to move the cards to a position to overlie the image receiving layer on the intermediate transfer sheet [FIG. 1; page 7, lines 3-16]. The laminator applies heat and pressure to the card and the intermediate transfer sheet with which it is aligned [FIGS. 2 and 4; page 7, line 17 - page 8, line 22]. The separator is configured to separate the backing film from the image receiving layer laminated to the card [FIGS. 1-2; page 8, line 23 - page 9, line 8].

Another aspect of the invention is directed to a method of applying an image carrying polymer layer to a card, as described in independent claim 13. In the method, a supply of intermediate transfer sheets 14 is provided [FIGS. 1 and 3]. Ink or dye is then printed on a surface of a layer 50 on the intermediate transfer sheet [FIGS. 1 and 6; page 5, line 25 - page 6, line 2]. Next, a card 32 is provided that overlies the layer on which the printing has taken place [FIG. 2; page 7, lines 3-21]. The card and the intermediate transfer sheet are then passed through a laminator 41 to laminate a portion of the layer to the card [FIGS. 2 and 4; page 7, line 17 - page 8, line

22]. Finally, a backing film 56 is separated from the layer to leave the portion of the layer laminated to the card adhering to the card [FIGS. 1-2; page 8, line 23 - page 9, line 8]. .

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- I. The rejections of claims 1, 7, and 8 under 35 U.S.C. §102(b) as being anticipated by Ellis (U.S. Patent No. 5,773,188).
- II. The rejections of claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No. 5,773,188) in view of Sarraf et al. (U.S. Patent No. 5,241,328).
- III. The rejections of claims 2, 3, and 12 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No. 5,773,188) in view of Klinger (U.S. Patent No. 6,174,404 B1).
- IV. The rejection of claim 15 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No. 5,773,188) in view of Sarraf et al. (U.S. Patent No. 5,241,328) and Klinger (U.S. Patent No. 6,174,404 B1).
- V. The rejections of claims 4, 5, 10, and 11 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No. 5,773,188) in view of Haas et al. (U.S. Patent No. 6,261,012 B1).
- VI. The rejection of claim 16 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No. 5,773,188) in view of Sarraf et al (U.S. Patent No. 5,241,328) and Haas et al. (U.S. Patent No. 6,261,012 B1).
- VII. The rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over Ellis (U.S. Patent No.

5,773,188) in view of Levine (U.S. Patent No. 5,647,938).

ARGUMENT

I. CLAIMS 1, 7, AND 8 ARE NOT ANTICIPATED UNDER 35 U.S.C. §102(B) BY ELLIS (U.S. PATENT NO. 5,773,188)

Applicant respectfully disagrees with the Examiner's assessment of Ellis and believes that the rejections are improper. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Ellis is directed to a method for consolidating a contrasting pattern of intelligence borne by a backing therefor with a final receptor base element and provides illustrations of various steps of the method. However, Ellis fails to disclose any particular apparatus that could be used to implement the method. More importantly, Ellis fails to disclose or suggest the card printers described in independent claims 1, 7 and 8.

With regard to claim 1, Ellis fails to teach, or even suggest, a card printer that includes "a source of at least one intermediate transfer sheet . . .; a source of at least one card; a printhead . . .; a sheet transport configured to move intermediate transfer sheet past the printhead; a laminator . . .; and a separator" Additionally, Ellis fails to teach or even suggest the card printer of claim 7 that includes "a supply of individual intermediate transfer sheets . . ., a printhead . . ., a sheet transport configured to move the intermediate transfer

sheet past the printhead, a laminator comprising a heated roll for receiving the sheet after printing, . . . and a device for peeling a backing film from the print receptive layer subsequent to lamination." Similarly, Ellis fails to teach or suggest the printer for cards described in independent claim 8 that includes "a printhead, a supply of individual intermediate transfer sheets, . . . a sheet drive for moving an individual intermediate transfer sheet from the supply to the printhead for printing . . ., a supply of cards, a drive for the cards and the individual intermediate transfer sheets to move the cards to a position to overlie the image receiving layer on the intermediate transfer sheet, a laminator . . ., and a separator"

Because Ellis fails to teach or suggest the card printers of claims 1, 7 and 8, the Examiner concludes that the method taught by Ellis must inherently be performed by the claimed card printers. More particularly, the Examiner concluded that Ellis must utilize a card printer that includes a source of at least one intermediate transfer sheet, a source of at least one card, "some sort of sheet drive or transportation to move the intermediate transfer sheet past the printhead in a sequential manner", "some sort of card drive in order for the apparatus to be operable", and a separator. Additionally, the Examiner finds that the laminator illustrated in FIG. 2 of Ellis is sufficiently shown as being part of a card printer that includes the inherent elements described above in order to form the card printers described in independent claims 1, 7 and 8. Applicant respectfully believes that these inherency arguments are insufficient grounds for the rejections.

An element can only be inherent in the prior art when it is necessarily present, but not expressly described or recognized. For example, a previously unappreciated property of a prior art composition, or a scientific explanation for the prior art's functioning does not render the old composition patentably

new to the discoverer. Additionally, "[i]nherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Oelrich*, 212 USPQ 323, 326 (C.C.P.A. 1981).

Moreover, as explained in MPEP 806.05(e) a "[p]rocess and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process *as claimed* can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another and materially different process." (emphasis added)

Applicant submits that the performance of the method of Ellis is a distinct invention and must not inherently be performed by Applicant's card printer described in claims 1, 7 and 8. For example, the method of Ellis does not require "a sheet transport configured to move the intermediate transfer sheet passed the printhead" as described in claims 1 and 7, or "a sheet drive for moving an individual intermediate transfer sheet from the supply to the printhead for printing" as described in claim 8. Instead, the method of Ellis can be performed by delivering a transfer sheet from a supply to the laser ablation printhead by hand.

Additionally, the method of Ellis does not require "a separator configured to remove the backing film from the image receiving transfer layer after lamination" as described in claim 1, "a device for peeling a backing film from the print receptive layer subsequent to lamination" as described in claim 7, or "a separator for separating the backing film from the image receiving layer laminated on the card" as described in claim 8. As above, such separating functions can be performed by hand.

Another example of how the card printer of the present invention is distinct from the method of Ellis, is that the

method of Ellis does not require "a drive for the cards and the individual intermediate transfer sheets to move the cards to a position to overlies the image receiving layer on the intermediate transfer sheet" as described in claim 8. Such a device is unnecessary to perform the method of Ellis, because the final base 8 and the protective overcoating 5 can be positioned in an overlapping relationship by hand.

As a result, Applicant submits that the card printers of independent claims 1, 7 and 8 are distinct inventions that are not inherently disclosed by the method of Ellis. Accordingly, without Applicant's disclosure, the Examiner could not form the card printers of claims 1, 7 and 8 based on Ellis. Therefore, Applicant submits that independent claims 1, 7 and 8 are allowable since they are neither taught nor suggested by the prior art, and requests that the rejections be withdrawn.

II. CLAIMS 13 AND 14 ARE NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188) AND SARRAF ET AL. (U.S. PATENT NO. 5,241,328)

In support of the rejections, the Examiner found Ellis to teach the steps of the method of independent claim 13 except for the step of "printing ink or dye on a surface of a layer on the intermediate transfer sheet" However, the Examiner found Sarraf et al. to teach a "dye transferring laser ablation step" at col. 1, lines 30-39 and concluded that the combined teachings of Ellis and Sarraf et al. rendered claim 13 obvious. Applicant respectfully disagrees with the Examiner's assessment of the cited references and the rejection of claim 13.

In particular, Applicant has reviewed Sarraf et al. including the passage cited by the Examiner, and is unable to locate any disclosure of using the printing method of Sarraf et al. to print dye to an intermediate transfer sheet, as described in claim 13. Instead, the printing conducted by Sarraf et al. is

directly to the "final receptor" in the form of a transparency, which is not an intermediate transfer sheet. Moreover, nowhere in Sarraf et al. is there any suggestion that its printing method could be used to print to an intermediate transfer film for subsequent transfer to a card. Accordingly, applicant submits that the cited references fail to teach all of the elements of independent claim 13.

Furthermore, Applicant submits that there is no motivation to combine the teaching of Ellis with that of Sarraf et al. In general, Applicant disagrees with the Examiner's finding that sufficient motivation to make the combination exists due to a desire to obtain high resolution images. First, the Examiner fails to identify any printing resolution problem with the method of Ellis that would make an improvement desirable. Second, the Examiner fails to explain how the teaching of Sarraf et al. would result in an improvement in the printing resolution of Ellis, or otherwise solve the unstated problem.

For the reasons set forth above, Applicant submits that independent claim 13 is non-obvious in view of the combination of Ellis and Sarraf et al. and requests that the rejection be withdrawn.

With regard to claim 14, Applicant disagrees with the Examiner's finding that Ellis teaches, at col. 4, line 59, a step of "printing reverse images on the layer", as described in claim 14. Rather, the cited passage merely mentions that the resultant image on the final receptor base 8 is a "mirror image" of the original image printed on the intermediate receptor. Accordingly, there is no discussion of handling the problems of the present invention in forming identification cards in which text must be printed in reverse on the intermediate transfer sheet in order for the text to be displayed correctly when finally transferred to the surface of the card. Therefore, the cited passage fails to disclose all of the features of claim 14.

Accordingly, Applicant submits that claim 14 is allowable in view of the cited references, and requests that the rejection be withdrawn.

III. CLAIMS 2, 3, AND 12 ARE NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188) AND KLINGER (U.S. PATENT NO. 6,174,404 B1)

Applicant disagrees with the Examiner's finding that FIG. 4 of Ellis discloses an intermediate transfer sheet that is "cut to a size providing sheet extensions from at least one side of the card", as described in claim 2, and an intermediate transfer sheet that "is larger than said card, whereby the printing extends from edge to edge of the card after the intermediate transfer sheet and the card have been operated on by the laminator", as described in claim 12. Rather, FIG. 4 of Klinger fails to provide a view that would allow for an assessment to be made regarding the relative size of the substrate 40 to the face and back coating films 40 and 41.

FIG. 5 of Ellis, on the other hand, provides a view that would be more appropriate in making an assessment of the relative sizes of the substrate 40 to the coating films 40 and 41. It is clear from FIG. 5 of Ellis that the face and back coating films 41 and 42 are smaller than the substrate 40. Accordingly, Applicant submits that the Examiner's assessment of the teachings of Ellis is incorrect.

More importantly, the coating films 41 and 42 are only configured to provide protection to the substrate 40 and do not include "an image receptive surface" for receiving a printed image. Accordingly, the coating films 41 and 42 are unrelated to the claimed "intermediate transfer sheets". Therefore, even assuming sufficient motivation exists to make the suggested combination of the cited references, the resultant combination

fails to form the inventions of claims 2 and 12. Accordingly, Applicant requests that the rejections be withdrawn.

Additionally, Applicant disagrees with the Examiner's finding that col. 5, lines 28-30 and FIG. 2 of Klinger discloses the "plurality of intermediate transfer sheets, and a sheet feeder for feeding individual sheets to the printhead", as described in claim 3. The cited disclosure in Klinger relates to a laser printer that is configured to print directly on sheet substrates rather than intermediate transfer sheets. Thus, the stack of sheet substrates shown in FIG. 2 of Klinger are not "a plurality of intermediate transfer sheets" as described in claim 3. Additionally, the means by which Klinger feeds the sheet substrates is unrelated to the "sheet feeder" of claim 3. Accordingly, even when one assumes that the elements of independent claim 1 are sufficiently disclosed by Ellis, the combination of Ellis and Klinger does not form the invention of claim 3.

Additionally, the Examiner has failed to provide sufficient motivation for combining the cited references. The Federal Circuit has stated, "virtually all [inventions] are combinations of old elements." Environmental Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 698, 218 USPQ 865, 870 (Fed. Cir. 1983). The Federal Circuit has also found that rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use a claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention, which would be "an illogical and inappropriate process by which to determine patentability." Sensonic, Inc. v. Aerosonic Corp., 81 F.3d 1566, 1570, 38 USPQ2d 1551, 1554 (Fed. Cir. 1996). Accordingly, even seemingly simple changes require a finding of a suggestion in the prior art to make the modification to avoid the improper use of

hindsight. In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Here, Ellis fails to teach even the basic components of the card printer of the present invention. Accordingly, there can be no motivation to combine the cited sheets and sheet feeder of Klinger with Ellis, since the combination would not even form a printer, let alone the printer of claim 3. Therefore, Applicant submits that there is no suggestion or motivation to make the combination. Instead, the Examiner relies on the teachings of Applicant's disclosure to discern the "obviousness" of the claimed invention even though, at the time the Applicant made the claimed invention, those of more than ordinary skill in the relevant art had failed to perceive the card printer of claim 3. Such use of hindsight is improper. In re Lee, 61 USPQ2d 1430 (Fed. Cir. 2002) ("It is improper, in determining whether a person of ordinary skill in the art would have been led to this combination of references, simply to '[use] that which the inventor taught against its teacher.'") (quoting W.L. Gore v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983)). Accordingly, Applicant requests that the rejection be withdrawn.

IV. CLAIM 15 IS NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188), SARRAF ET AL. (U.S. PATENT NO. 5,241,328) AND KLINGER (U.S. PATENT NO. 6,174,404 B1)

Applicant disagrees with the Examiner's finding that the cited sensor 29 of Klinger operates as described in claim 15. In particular, the cited sensor 29 of Klinger operates as a "substrate sensor" [col. 5, line 63] and does not operate to sense "when the card and intermediate transfer sheet are in registry, prior to laminating the layer to the card", as described in claim 15. Therefore, even the combination of the

cited references fails to form the card printer of claim 15. Accordingly, Applicant requests that the rejection be withdrawn.

V. CLAIMS 4, 5, 10, AND 11 ARE NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188) AND HAAS ET AL. (U.S. PATENT NO. 6,261,012 B1).

As stated in Applicant's response to the Office Action mailed September 7, 2004, Applicant respectfully asserts that Haas et al. is disqualified as prior art to the present application. 35 U.S.C. § 103(c) provides:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application was filed January 15, 2004 and is a Continuation of U.S. Application Serial Number 09/799,196 filed March 5, 2001. Accordingly, Haas et al. is prior art to the present application under 35 U.S.C. §102(e). Additionally, both Haas et al. and the claimed invention were assigned, or were at least under an obligation to be assigned, to Fargo Electronics, Inc., of Eden Prairie, Minnesota at the time the invention was made. As a result, Applicant asserts that Haas et al. is disqualified as prior art to the present invention and requests that the rejections of claims 4, 5, 10 and 11 be withdrawn.

VI. CLAIM 16 IS NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188), SARRAF ET AL (U.S. PATENT NO. 5,241,328), AND HAAS ET AL. (U.S. PATENT NO. 6,261,012 B1)

Applicant respectfully submits that the rejection of

claim 16 should be withdrawn because Haas et al. is disqualified as prior art to the present invention, as explained above.

VII. CLAIM 9 IS NOT RENDERED UNPATENTABLE UNDER 35 U.S.C. §103(A) BY THE COMBINATION OF ELLIS (U.S. PATENT NO. 5,773,188) AND LEVINE (U.S. PATENT NO. 5,647,938)

Applicant disagrees with the Examiner's finding that the cited separator 32 of Levine discloses the separator described in claim 9. In particular, the cited separator 32 of Levine does not operate to engage "a portion of the intermediate transfer sheet extending from an edge of the card after lamination, for guiding the intermediate transfer sheet away from the path of the card and separating the backing film from the image receiving layer laminated on the card", as described in claim 9.

Additionally, the Examiner has failed to provide any motivation for combining Levine with the method of Ellis. As explained above, Applicant does not believe that such a motivation can be established when Ellis fails to disclose a card printer or even a general printing apparatus. Accordingly, Applicant submits that the combination of the cited references fails to render claim 9 unpatentable under 35 U.S.C. §103(a), and requests that the rejection be withdrawn.

CONCLUSION

Based on the foregoing, Appellant submits that claims 1-5 and 7-16 are in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.



By: _____

Brian D. Kaul, Reg. No. 41,885
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

BDK/djb

Appendix A

1. A card printer comprising:
 - a source of at least one intermediate transfer sheet including a backing film carrying an image receiving transfer layer having a print receptive surface;
 - a source of at least one card;
 - a printhead configured to print onto the print receptive surface of the intermediate transfer sheet;
 - a sheet transport configured to move intermediate transfer sheet past the printhead;
 - a laminator configured to receive the intermediate transfer sheet after printing and adhere the image receiving transfer layer to the card; and
 - a separator configured to remove the backing film from the image receiving transfer layer after lamination.

2. The card printer of claim 1 wherein said intermediate transfer sheet is cut to a size providing sheet extensions from at least one side of the card.

3. The card printer of claim 1 wherein said source of one intermediate transfer sheet comprises a plurality of intermediate transfer sheets, and a sheet feeder for feeding individual sheets to the printhead.

4. The card printer of claim 3 wherein the source of at least one card comprises a stack of cards, a card feeder, said card feeder feeding at least one card to overlie the at least one intermediate transfer sheet prior to the laminator operating to apply pressure to the card and the intermediate transfer sheet.

5. The card printer of claim 4 wherein said laminator comprises a heater for providing lamination heat to the intermediate transfer sheet and card.

6. (canceled)

7. A card printer comprising a supply of individual intermediate transfer sheets corresponding to a desired size relating to a size of the card, each of the intermediate transfer sheets having an image receiving layer thereon that is print receptive, a printhead positioned to print onto the image receiving layer of one of the intermediate transfer sheets sequentially presented to the printhead, a sheet transport configured to move the intermediate transfer sheet past the printhead, a laminator comprising a heated roll for receiving the sheet after printing, and for receiving a card in contact with the image receiving layer, after printing, the laminator being operable to laminate the image receiving layer to a surface of the card, and a device for peeling a backing film from the print receptive layer subsequent to lamination.

8. A printer for cards, including identification and credit cards, the printer including a printhead, a supply of individual intermediate transfer sheets, each intermediate transfer sheet including a backing film and a separable print receptive layer carried by the backing film, a sheet drive for moving an individual intermediate transfer sheet from the supply to the printhead for printing on the separable layer of the intermediate transfer sheet, a supply of cards, a drive for the cards and the individual intermediate transfer sheets to move the cards to a position to overlie the image receiving layer on the intermediate transfer sheet, a laminator for applying heat and pressure to the card and the intermediate transfer sheet with which it is

aligned, and a separator for separating the backing film from the image receiving layer laminated to the card.

9. The card printer of claim 8, wherein the separator includes a ramp surface for engaging a portion of the intermediate transfer sheet extending from an edge of the card after lamination, for guiding the intermediate transfer sheet away from the path of the card and separating the backing film from the image receiving layer laminated on the card.

10. The card printer of claim 8, wherein said printhead comprises an inkjet printhead.

11. The card printer of claim 8, wherein said printhead comprises a dye sublimation printhead, and a supply of dye sublimation ribbon for said dye sublimation printhead.

12. The card printer of claim 8, wherein said intermediate transfer sheet is larger than said card, whereby the printing extends from edge to edge of the card after intermediate transfer sheet and card have been operated on by the laminator.

13. A method of applying an image carrying polymer layer to a card comprising providing a supply of intermediate transfer sheets configured to overlie a card, printing ink or dye on a surface of a layer on the intermediate transfer sheet, providing a card to overlie the layer on which the printing has taken place, passing the card and the intermediate transfer sheet through a laminator to laminate a portion of the layer to the card, and separating a backing film from the layer to leave the portion of the layer laminated to the card adhering to the card.

14. The method of claim 13, including printing reverse images on

the layer.

15. The method of claim 13, including providing sensors for sensing when the card and intermediate transfer sheet are in registry, prior to laminating the layer to the card.

16. The method of claim 13, including providing a supply of a plurality of cards, and a card feeder to move an individual card to a position to overlie the intermediate transfer sheet after printing, and to be indexed to the intermediate transfer sheet for lamination.